

Notice of Allowability

Application No.

10/796,625

Examiner

Patricia Leith

Applicant(s)

ZHOU ET AL.

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/12/06.
2. ☒ The allowed claim(s) is/are 5 and 28-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/13/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Patricia Leith
Primary Examiner
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DETAILED ACTION

Claims 1 and 4-27 are pending in the application.

Claims 6-24 were withdrawn from the merits as being directed toward a non-elected invention elected without traverse in the response filed 7/7/05.

Claims 1, 4-5 and 25-27 were examined on their merits.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Krieger on 4/13/07.

Drawings

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The drawings filed on 3/8/04 are acceptable subject to correction of the informalities indicated *infra*. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Specifically, Figure 1 (the only drawing present in the application), should properly state 'Figure 1' instead of '1/1' which is currently described in the drawing. The Examiner has already submitted an amendment to the Specification which refers to the drawing as 'Figure 1' (see amendment to Specification, below).

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

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A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

IN THE CLAIMS:

Cancel claims 1, 4 and 6-27.

Insert the following new claims:

--Claim 28. A method for preparing a *Morinda citrifolia* leaf serum comprising:

- a) obtaining crushed, dry *Morinda citrifolia* leaves,
- b) percolating said crushed, dry *Morinda citrifolia* leaves through alcohol to obtain a mixture of an alcohol fraction comprising alcohol-soluble ingredients of *Morinda citrifolia* leaves and a solid fraction containing *Morinda citrifolia* leaves,
- c) isolating the alcohol from the mixture of part (b) to obtain an alcohol extract of *Morinda citrifolia* leaves,
- d) fractionating the isolated alcohol extract of part (c) into two fractions: a dry hexane fraction and an aqueous methanol fraction, and

e) combining said dry hexane fraction or said aqueous methanol fraction of part (d) with *Morinda citrifolia* fruit juice to make a leaf serum. --.

--Claim 29. The method of claim 28, wherein the *Morinda citrifolia* fruit juice is obtained by processing fruit of a *Morinda citrifolia* L. plant. --.

--Claim 30. The method of claim 28, wherein said dry *Morinda citrifolia* leaves are obtained by heating *Morinda citrifolia* leaves.--.

Make the following claim amendments:

Claim 5, replace 'claim 1' with – claim 28. --.

IN THE ABSTRACT:

First sentence of the Abstract, delete 'removing liquids from relatively dry'.

IN THE SPECIFICATION:

Page 3, under 'BRIEF DESCRIPTION OF THE DRAWING', delete the entire sentence and replace with – Figure 1 is a flow chart representing extraction methods and points where bioassays were performed on *Morinda citrifolia* leaf extracts.--.

Page 4, line 10, before and after 'preferably a hydraulic press' delete the hyphens (--) and insert commas (,) so the line reads 'crushing device, preferably a hydraulic press, where the leaf pieces are crushed'.

Claims 5 and 28-30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia Leith
Primary Examiner
Art Unit 1655

April 6, 2007

A handwritten signature in black ink, appearing to read 'Patricia Leith', with a large, stylized loop at the end.